

Article - Health - General

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§19–381.

(a) A hospital shall provide a patient or the legal guardian of a patient with an opportunity to designate one lay caregiver before discharge of the patient.

(b) If a patient or the legal guardian of a patient declines to designate a lay caregiver:

(1) The hospital shall document the decision in the patient's medical record; and

(2) The hospital shall be deemed to be in compliance with the provisions of this part.

(c) If a patient or the legal guardian of a patient designates a lay caregiver, the hospital shall:

(1) Record in the patient's medical record:

(i) The designation of the lay caregiver;

(ii) The relationship of the lay caregiver to the patient; and

(iii) The name, telephone number, and address of the lay caregiver; and

(2) Request the written consent of the patient or the legal guardian of the patient to release medical information to the lay caregiver in accordance with:

(i) The procedures of the hospital for releasing personal health information; and

(ii) All applicable federal and State laws.

(d) If a patient or the legal guardian of a patient declines to consent to the release of medical information to the lay caregiver, the hospital is not required to:

(1) Provide to the lay caregiver the notice required under § 19–382 of this part; or

(2) Consult with the lay caregiver or provide to the lay caregiver information contained in the discharge plan issued under § 19–383 of this part.

(e) A patient or the legal guardian of a patient may change the designation of a lay caregiver in the event the lay caregiver becomes incapacitated.

(f) A designation of a lay caregiver by a patient or the legal guardian of a patient under this section does not obligate an individual to perform any aftercare for the patient.

(g) This section may not be construed to require a patient or the legal guardian of a patient to designate a lay caregiver.

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